

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KATHLEEN SCHWEER, individually and on behalf of all others similarly situated,	:	
	:	CIVIL ACTION FILE NO.
	:	
Plaintiff,	:	5:24-cv-01323-JD
	:	
v.	:	COMPLAINT – CLASS ACTION
	:	
ELEVATE HEALTH LLC	:	JURY TRIAL DEMANDED
	:	
Defendant.	:	
	:	
	:	
	:	

MOTION FOR RELIEF FROM LOCAL COUNSEL REQUIREMENT

Plaintiff Kathleen Schweer (hereinafter referred to as “Plaintiff”), individually and on behalf of all others similarly situated, by and through the undersigned counsel, respectfully requests that counsel be relieved of the requirement under Local Rule of Civil Procedure 83.3(c) and in support thereof states as follows:

Local Rule 83.3(a) requires “any attorney who is not a resident of, and does not maintain an office in, Oklahoma” to “show association with an attorney who is personally appearing in the action and who is a resident of Oklahoma and maintains a law office within the State of Oklahoma, and who has been duly and regularly admitted to practice in this court.” Admittedly, the undersigned counsel is not a resident of and does not maintain an office in Oklahoma, residing in Pennsylvania. The undersigned counsel also

intends to move for admission *pro hac vice* of Anthony Paronich to assist in this litigation, who is a resident of Massachusetts.

However, discretionary relief from this rule is warranted in this case, as non-resident counsel, as well as co-counsel which intends to appear *pro hac vice*, are specially qualified in the area of federal telemarketing law, are representing a resident of the Western District of Oklahoma in a case asserting the same, and both are familiar with and have read the local civil court rules, in addition to the Federal Rules of Civil Procedure. For further context, attorney Andrew Perrong, as well as co-counsel Anthony Paronich's, practices consist almost exclusively of representing individuals across the country alleging violations of federal telemarketing laws in class action litigation against defendants nationwide. Both attorneys Perrong and Paronich are some of the few attorneys in the country that specialize in this type of class action litigation before federal courts alleging violations of the TCPA. The nature of this litigation necessarily has a nationwide aspect to it with respect to the plaintiffs bringing such claims, as wire communications are a modality of interstate commerce and are interconnected as among the various states by virtue of the nationwide character of the telephone system.

Moreover, neither attorney Andrew Perrong nor attorney Anthony Paronich reside in, advertise in, or actively solicit clients in, Oklahoma, and are not regularly employed in Oklahoma. Indeed, this instant case will be both attorneys' first case in Oklahoma. However, this is not for lack of experience. Between themselves, Attorneys Perrong and Paronich have extensive experience in federal courts as well as local rules when

applicable. Indeed, Attorney Paronich was part of the trial team that secured the record-setting telemarketing settlement in the *Dish Network* litigation which was upheld on appeal to the Fourth Circuit and ultimately the Supreme Court. *Krakauer v. Dish Network, L.L.C.*, 925 F.3d 643 (4th Cir. 2019). Most recently, Attorneys Perrong and Paronich jointly co-counseled on a class action that was certified this August in the Northern District of New York in *Aley v. Lightfire Partners, LLC*, No. 5:22-CV-00330 (AMN/TWD), 2024 WL 4007345 (N.D.N.Y. Aug. 30, 2024).

RELIEF REQUESTED

On the basis of the foregoing, counsel for the Plaintiff respectfully requests that he be relieved of the rule for obtaining local counsel in this case, pursuant to Local Rule 83.3(c), particularly as counsel for the Plaintiff is specially qualified to bring class action suits alleging violations of federal telemarketing law of the nature alleged in this case, and has certified familiarity with the local civil court rules.

Dated: December 19, 2024

PLAINTIFF, individually and on behalf of all others similarly situated,

/s/ Andrew Roman Perrong
 Andrew Roman Perrong, Esq.
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CERTIFICATE OF SERVICE

I certify that I filed the foregoing via ECF on the below date.

Dated: December 19, 2024

PLAINTIFF, individually and on behalf of all
others similarly situated,

/s/ Andrew Roman Perrong

Andrew Roman Perrong, Esq.

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